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GARY W. RODRIGUES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA)	CR. NO. 01-00078 DAE
)	
Plaintiff,)	MEMORANDUM OF DEFEND-
)	ANT GARY W. RODRIGUES
vs.)	IN OPPOSITION TO GOVERN-
)	MENT'S MOTION TO DIS-
GARY W. RODRIGUES,)	BURSE FUNDS TO SATISFY
)	FINES AND RESTITUTION
Defendant.)	ORDER; DECLARATION OF
)	ERIC A. SEITZ; EXHIBITS 1
)	AND 2; CERTIFICATE OF
)	SERVICE
)	

MEMORANDUM OF DEFENDANT GARY W. RODRIGUES
IN OPPOSITION TO GOVERNMENT'S MOTION TO DIS-
BURSE FUNDS TO SATISFY FINES AND RESTITUTION ORDER

Defendant Gary W. Rodrigues, hereby opposes the Government's motion to disburse funds which is, in effect, an untimely motion to reconsider this Court's earlier Order Affirming Sentence of Defendant Gary Wayne Rodrigues and Setting Mittimus filed on October 31, 2007. In that Order, attached hereto as Exhibit 1, the Court determined that any payment plan while Mr. Rodrigues is incarcerated "is an issue for the Bureau of Prisons."

Thereafter, in a payment agreement executed on January 31, 2008, attached hereto as Exhibit 2, the Bureau of Prisons properly determined that Mr. Rodrigues would pay the amount of twenty-five dollars (\$25.00) quarterly toward his accumulated fines and restitution. It is respectfully submitted that the Court does not have jurisdiction to review or alter any action of the Bureau of Prisons as to the repayment schedule and/or to order the release of other funds that were to be held only as security for Mr. Rodrigues' obligations, and not to be utilized to satisfy those obligations.

Accordingly, the Government's motion to disburse funds should be denied.

DATED: Honolulu, Hawaii, August 26, 2008.

/s/ Eric A. Seitz

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